

Testimony

I am a US citizen who loves his country and served twenty-two years in the US Infantry with distinction. I follow what I consider a basic US straightforward approach: "My country right when right, and wrong when wrong." My country has been and continues to be "wrong" in Hawai'i. I do not need to prove this fact. Public Law 103-150 articulates the nation's wrong. To summarize the wrong, I list below four admissions and one acknowledgement on the part of the US Government:

- the US admitted that it invaded Hawai'i;
- the US admitted that it broke treaties and international law;
- the US admitted that it suppressed the inherent sovereignty of Native Hawaiians;
- the US admitted that it deprived Native Hawaiians (Kanaka Maoli) of their right to self-determination.
- the US acknowledged that Native Hawaiians never relinquished the claim to their lands and inherent sovereignty by referendum or plebiscite.

In that the Government admitted that it broke treaties with a sovereign state, it violated both the supreme law of the land and international law. The repair of this violation is to be found in international law rather than in federal law. I swore, and perhaps you also, to uphold and defend the Constitution. As such, the issue at hand is as much a concern of US citizens as it is of Kanaka Maoli.

In PL 103-150, the Congress committed itself to acknowledge the ramifications of the apology as foundation for reconciliation between the US and Native Hawaiians. First, since the US admits that Kanaka Maoli continue to possess inherent sovereignty ("de jure" sovereignty) over the Hawaiian Archipelago, the US possesses only "de facto" sovereignty. Accordingly, the first foundation for reconciliation should rest on an equality between two parties: the US that illegally occupied the Hawaiian nation and possesses "de facto" sovereignty, and Native Hawaiians who possess "de jure" sovereignty. In 1893, Queen Lili'uokalani appealed for reconciliation to restore the cordial relations between two independent nations. In order to have equality between the parties it seems compelling that representatives of the Kanaka Maoli be free of any involvement with the other party and align themselves with the Queen's long-standing petition that the US Government reinstate the Hawaiian nation.

Second, through a series of events (occupation in 1898) the US obtained "de facto" possession of territory that was taken when the Hawaiian nation was illegally overthrown in 1893. Since the US apologized for what occurred unlawfully between two sovereign states, the act of restitution to remedy the tort falls outside the jurisdiction of US federal law. Accordingly, the second foundation for reconciliation should be based on the international law of restitution.

Third, the Kanaka Maoli right for self-determination was affirmed in 1946 when Hawai'i was made a Non-Self-Governing Territory under the jurisdiction of Chapter XI of the United Nations Charter. At that time the US was appointed by the United Nations as Administrative Authority of the territory. In 1946, the US entered into a sacred trust relationship with the people who possessed the right to self-determination to prepare them for a legitimate exercise of self-determination. Since the US admitted that it deprived the Kanaka Maoli of their right of self-determination, the third foundation for reconciliation should rest on the United Nations Law of Self-Determination and not on Federal Law.

COLLECTED PAPERS

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Published Papers:

1. The Demise of the Hawaiian Kingdom: A Psycho-cultural Analysis and Moral Legacy. Hawaii Bar Journal. (1983)
2. The Pacific Rim Betrayal. Peace Review. (1995)
3. The Re-Inscription of Hawai'i on the United Nations' List of Non-Self-Governing Territories. Peace Research. (1996)
4. The Nonviolent Hawaiian Struggle for Self-Determination. International Journal of Nonviolence. (1996)
5. The Apology Law and Kanaka Maoli Self-Determination. Self-Determination Newsletter. (1997)
6. The 1959 Vote and the Removal of Hawai'i from the List of Non-Self-Governing Territories. Self-Determination Newsletter. (1997)

Submitted for Publication:

7. Hawaiian Self-Determination: A Need for Debate.
8. The Annexation of Hawai'i: Meaning and Legality in Context of Public Law 103-150.
9. Sovereignty: Native Hawaiian Rights and Non-Native Hawaiian Rights.
10. Trust Relationship Between the United States and Indigenous Hawaiians.